

## REMARKS

In the office action mailed January 2, 2004, the Examiner (1) rejected claims 5-10 and 12-20 as obvious over U.S. Patent No. 6,069,650 ("Battersby") in combination with U.S. Patent No. 6,288,846 ("Stoner"), and (2) rejected claims 11 and 21 as obvious over the combination of Battersby and Stoner further in view of U.S. Patent No. 6,046,855 ("Goto"). Applicant respectfully traverses these rejections for the reasons set forth below and requests reconsideration.

The applicant respectfully disagrees with the Examiner that there is adequate teaching, suggestion, or motivation in either Battersby or Stoner, or in the general state of the art at the time the invention was made, to combine the variable lens of Stoner with the autostereoscopic display of Battersby. Such a combination could only be made through hindsight.

The Battersby patent is generally relevant to applicant's disclosure since it is in the same field of endeavor and it includes a solution for switching a display between stereo and planar viewing modes. However, Battersby discloses a single specific solution for switching modes – electrically alterable liquid crystal material. (*See* Battersby at 5:27 – 6:14). No other type of switch is contemplated, either expressly or inherently in Battersby's disclosure. The Examiner's suggestion that Battersby could be modified to incorporate the switchable lens of Stoner is pure hindsight. This is revealed by the examiner's reasoning that one skilled in the art would be motivated to make such a change "for the benefit of simply having more options to facilitate the display device." In hindsight, this combination does make sense. Stoner teaches a lens having optical properties switched by the introduction and removal of an optical fluid.. But the reality is that prior to applicant's disclosure, no one had used the introduction and removal of optical fluid as a means to switch between planar and stereo viewing modes in a lenticular device. Stoner certainly does not contemplate use in a lenticular device. In fact, Battersby specifically teaches away from such a combination, stating that "the focal length is determined by the optical properties and variable combinations of various fixed solid components in a device, **rather than the manipulation and deformation of liquid layers and flexible membranes.**" (Battersby at 2:47-52)(emphasis added). There simply is no support for the combination of Battersby and Stoner proposed by the Examiner, and applicant respectfully asks that the Examiner withdraw any rejection based thereon.

Goto is not relevant to the issue discussed herein, but instead, is cited for its disclosure related to antireflective coatings.

For the reasons discussed above, applicant submits that the combination of Battersby and Stoner is improper and should be withdrawn and all claims allowed. The Examiner's reconsideration to that end is respectfully solicited.

Respectfully submitted,  
DERGOSITS & NOAH LLP

Dated: 7/2/04

By:

*Richard Nebb v/pension*  
Richard A. Nebb  
Reg. No. 33,540  
*Samuel Lee*

Four Embarcadero Center, Suite 1450  
San Francisco, CA 94111  
(415) 705-6377 tel  
(415) 705-6383 fax  
[rnebb@dergnoah.com](mailto:rnebb@dergnoah.com)